

## Chapter 17.76

### HOME BASED BUSINESSES/CONDITIONAL USE PERMIT

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#### **17.76.010 Intent and purpose.**

Home-based businesses, by their nature, are intended not to be disruptive to the residential use of adjacent properties; generate less traffic and noise than typical commercial or industrial activities and are compatible in appearance, operating hours, and other factors with the surrounding neighborhood. Located in a residential structure and/or associated outbuildings, home-based businesses may involve service as well as manufacturing and are wholly accessory and subordinate to the residential use of the property. Home-based businesses in rural areas will have less impact on surrounding neighbors than home-based businesses in urban areas and are not intended to create new commercial or industrial areas, but rather to provide an opportunity to supplement an income, startup a business, or establish a work place at home.

Uses that do not require a business license are exempt from this Chapter. Home-based businesses do not include garage sales, basement sales, yard sales or other similar sales, nor home parties that are held for the purpose of the sale or distribution of goods or services. Notwithstanding any provision contained herein to the contrary, garage sales, basement sales, yard sales, or other similar sales and home parties shall not be allowed more than four (4) times yearly, and each sale or home party shall not last more than 72 consecutive hours.

Humboldt County recognizes home-based businesses can be useful to both the general community as well as the resident-proprietor; therefore, it is the intent and purpose of this chapter to provide for certain types of occupational uses within residential districts.

#### **17.76.020 Home-based business - Administrative approval or denial.**

An application meeting the criteria as determined by the planning director or authorized staff shall be submitted to the planning department with the required fee. A signed, notarized Owner's Affidavit is required as part of the application. If the home-based business is to be conducted in a rental unit, a written authorization from the property owner(Owner's Affidavit) giving his or her permission for operation of the home-based business shall be provided to the planning department. The decision shall be made without public hearing, provided said home-based business is conducted by the applicant, who shall reside on the premises, and said business conforms to all the rules and regulations of this chapter.

## 17.760.020

The following are acceptable activities for which a home based business/conditional use permit may be approved:

- A. Dressmaking, sewing, and tailoring;
- B. Artists, re: painting (picture), drawing, and sculpting;
- C. Writing and composing;
- D. Instrument instruction, provided that no instrument may be amplified;
- E. Tutoring;
- F. Personal trainers (fitness/health maintenance), limited to one student at a time or for work off-site;
- G. Home crafts for sale off-site, such as model making, rug weaving, lapidary work, wood working, etc.;
- H. Housekeeping & janitorial work;
- I. Telephone answering/solicitation work;
- J. Catering or mobile food services;
- K. Day care not involving more than three children;
- L. Computer programming/network administration or internet sales;
- M. Landscaping service;
- N. Medical transcription and billing, secretarial service and/ or bookkeeping service;
- O. Office for salesmen, sales representative, or manufacturer's representative, building contractor, surveyor, lawyer, architect, accountant, real estate broker or similar use;
- P. Independent over-the-road trucking owner/operators or truck drivers who work for a local, regional, or national trucking firm; and
- Q. Other home-based businesses similar in nature to one of the above-mentioned businesses as determined by the planning director or authorized staff.

A determination to deny an application shall be made when the proposal is not consistent with the goals, policies, and provisions of this chapter; a written statement identifying specific areas in which the proposal is deficient shall accompany denials of applications for home-based businesses. A determination made by the planning director or authorized staff denying a home-based business may be appealed to the planning commission consistent with the requirements of Chapter 17.68.

### **17.76.030 Home-based business - Public hearing - appeal**

Except as otherwise provided in 17.76.020, home-based business applications which do not meet the criteria for administrative approval shall be scheduled for public hearing before the planning commission in accordance with Chapter 17.68 . A signed, notarized Owner's Affidavit is required as part of the application. If the home-based business is to be conducted in a rental unit, a written authorization from the property owner(Owner's Affidavit) giving his or her permission for operation of the home-based business shall be provided to the planning department. Notices are mailed to all property owners per NRS. The planning commission may approve, or deny, or approve the request with additional conditions at the meeting.

A determination by the planning commission to deny an application may be made when the proposal is not consistent with the goals, policies, and provisions this chapter; a statement identifying specific areas in which the proposal is deficient shall be included as part of the public hearing process. Appeal of the planning commission's denial of a home-based business shall be in accordance with Chapter 17.68 of this ordinance.

**17.76.040 Findings and conditions.**

Criteria for the review of an application for a home-based business/conditional use permit is as follows:

A. The site is adequate in size and shape to accommodate the proposed activity, which will be secondary to the residential use and will not change the residential character of the dwelling;

B. The site for the proposed use is accessible by streets adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

C. The proposed use will have no adverse effect upon abutting property or the permitted use thereof;

D. The conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare. Such conditions may include, but are not limited to:

1. Businesses shall comply with all local, state, and federal regulations pertinent to the activity pursued, and the requirements of the permission granted by this chapter shall not be construed as an exemption from such regulations. Applicant is responsible for checking with the building department or other agencies which may have additional requirements regarding the proposed use.

2. The activity for which this home-based business/conditional use permit is issued shall commence operations within twelve (12) months of the date of final approval, or, unless an extension request has been granted, shall become null and void.

3. This permit shall not become effective for any purpose until the applicant has returned to the planning department a notarized affidavit stating that the applicant is aware and accepts all of the conditions of approval.

4. A home-based business shall expire at the same time a business license issued therefore expires and shall not remain in effect unless and/or until such business license has been renewed by the county clerk, provided such renewal takes place within thirty (30) days after such expiration of business license comes due.

5. Approval is based upon the facts as found on the application. If any changes occur, such as property ownership or a deviation of said use, other than limited uses associated with this application, the planning department shall be notified.

6. Home-based businesses shall be conducted only by members of the family residing in the dwelling unit plus one nonresident assistant or employee. For parcels 2.5 acres +, two additional employees may be employed at the residence. At least one person engaged in the operation must reside on the premise and must be the owner or lessee of the property.

7. Persons engaged in the building trades or similar fields, using residential premises as an office for business activities off the premises, may have more employees, if they are not employed on the premises. On-site parking spaces may be required.

8. There shall be no outside storage of materials, goods, supplies, equipment, or outside display of any products relating to the business in the yard visible from the street.

9. There shall be no noise, dust, odors, noxious fumes, or vibrations relating to the business emanating from the premises. Mechanical or electronic equipment which is incidental to the home-based business may be used provided it does not create visible or audible interference in radio or television receivers or cause fluctuations in line voltage off the premises. The activity shall not create any illegal discharge of materials, fluids or gases in the sewer or on the ground.

10. Home-based businesses shall not generate significantly greater traffic volume than would normally be expected in the residential zone in which the business is conducted. If the home-based business is the type in which customers or clients visit the premises, or in which classes are held and instruction given, depending upon the location of the proposed business, vehicle traffic associated with coming to or going from the premises may be limited after having considered the availability of traffic circulation in the neighborhood, the hours during which the home-based business is conducted and the on-site parking. The building department may have additional restrictions or requirements mandated by the building code depending upon the number of clients, customers or students.

11. Delivery and pick-up of materials or commodities to and from the premises by a commercial vehicle should not exceed two trips per week.

12. There shall be no more than one vehicle, which cannot exceed two tons in capacity at the residence, specifically associated with the home-based business.

13. The total number of home-based businesses conducted within a dwelling unit is not limited, except that the cumulative impact of all businesses on the premises shall not be greater than the impact of one home-based business.

14. Home-based businesses shall not advertise the location (address) of the business to the public. Examples include, but not are limited to, signs, business cards, commercial telephone directory listings, direct mail, newspaper, radio, television, or similar services.

15. Home-based businesses' hours of operation where client, customer or classes are to be held shall be limited to 8:00 a.m. to 8:00 p.m., Monday through Friday; and 9:00 a.m. to 5:00 p.m., Saturday. Hours of operation restrictions may be reduced or waived provided that the applicant demonstrates that additional hours of operation for the proposed home-based business will not generate notable impacts.

16. The home-based business shall be subject to an annual review.

Based upon the type of business and it's location, some of the provisions of this chapter may be waived or additional conditions may be added by the planning director or authorized staff, or by the planning commission at the public hearing.

Persons with demonstrated physical handicaps may request a waiver for some of the provisions as long as the basic residential character of the dwelling and/or the neighborhood is not changed.

#### **17.76.050 Revocation of home-based business permits**

Should, at any time during the period which a home -based business/conditional use permit is in effect, the planning director, planning commission or authorized staff find, after conducting an investigation, that the operation of such home-based business is in violation of the provisions of this chapter and/or the terms and conditions subject thereto, (s)he shall serve notice per Chapter 17.68.